

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18397 of 2015

BETWEEN

Aradhyula Sirhari Rao.

... PETITIONER

AND

Union of India, Rep. by its Secretary, Ministry of Finance, New Delhi and
another.

...RESPONDENTS

Counsel for the Petitioner: MR. VENKATESWERLLU

**Counsel for the Respondents: MR. B. NARAYANA REDDY
(ASST. SOLICITOR GENERAL)
MR. B.S. PRASAD**

The Court made the following:

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ORDER:

Petitioner seeks relief against the second respondent bank on the ground that when the proceedings under the Recovery of Debts due to the Banks and Financial Institutions Act, 1993 are pending, his possession cannot be disturbed.

2. However, learned standing counsel for the second respondent has produced a copy of the document where the second respondent has invoked the provisions under the Securitization and Reconstruction of Financial Institutions and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') by invoking Sections 13(2) and 13(4) and by virtue of order under Section 14 of the SARFAESI Act passed by the learned I Additional Sessions Judge, Guntur in CrIMP.No.5 of 2015 dated 29.01.2015, the possession is stated to have been taken by the bank on 08.04.2015.

3. Since the SARFAESI Act is invoked against the petitioner, it is open for the petitioner to move the Debts Recovery Tribunal under Section 17 of the SARFAESI Act for appropriate relief.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 29, 2015
DSK